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IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE

In re the Application of: Steven W. Stanton

Serial No.: 10/720,435

Docket No.: 03-115

Examiner: Kim, Eugene Lee

Art Unit: 3721

) I hereby certify that this correspondence is being
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) MS AF; Commissioner for Patents; P.O. Box
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) on June 23, 2005.

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AMENDMENT AFTER FINAL

This amendment after final is being filed with the concurrence and at the suggestion of Examiner Kim. The purpose of the amendment is to incorporate the content of claims 2 and 6 into claim 1 as previously submitted (that is, including the amendment submitted on May 20, 2005).

This amendment is submitted pursuant to the conclusion of a telephone interview on June 23, 2005. During the interview counsel pointed out that in the Examiner's Advisory Action dated June 20, 2005 the statement "the adhesive means in the secondary reference is connecting elements 7, 7a..." is simply wrong. The adhesive in Lingemann performs no adhesion function. Furthermore, counsel pointed out that there is no suggestion or motivation for modifying the Stanton reference by omitting the spacer and creating a glue fillet. Counsel pointed out that the present invention is very simple and that simplicity is an attribute of its inventiveness. Simplicity is not a basis for rejecting a claim. Examiner Kim stated that he is not comfortable with claim 1 because it is simply joining to pieces with glue. Counsel pointed out that this articulation misses the point that a new method, a simpler method, has been found to make this type of box. Also, the requirements of section 103 are careful to avoid any personal view of the Examiner as well as hindsight. Candy boxes are made in very large numbers, and must be very low cost. The technical problem is speed of manufacture and reduction of material and labor. But it is difficult to inject glue into an inside corner. The applicant has solved this problem by injecting the glue at an angle, so that the glue simultaneously contacts the side and the bottom creating a fillet. In

this case, simplicity is an attribute of invention. Counsel expressed the view that the Examiner is not appreciating that the simplicity of the invention has inventive value. Examiner Kim stated that he would be more comfortable if the content of claim 2 and 6 were incorporated into claim 1. Claim 2 is a step in which the glue is directed into the corner by a glue injector in a manner to leave at least one glue fillet in the interior corner. This is directed at a major part of the problem which is getting glue into the interior corner. Claim 6 defines the interior corner as an inside corner.

If any extension of time is required for this filing, such extension of time is hereby requested and if any fee is required for this filing, such fee may be charged to deposit account 50-1054.

It is requested that upon consideration, the claims be allowed.

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Respectfully submitted,



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